

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 823 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SAURASHTRA KUTCH STOCK EXCHANGE LTD.

Versus

HASMUKHRAY BHAGWANJI BALDEV

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Appearance:

None present for Petitioner

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/10/97

ORAL JUDGMENT

#. The matter was called out for hearing in the first round, then in the second round in the first sitting and lastly in the third round in the second sitting but none put appearance on behalf of the petitioner.

#. By this Special Civil Application, the petitioners are challenging the order of the Civil Judge (S.D.), Rajkot dated 22.1.93, passed in Regular Civil Suit No.56

of 1993, under which the respondents, other than respondents No.1 to 24, were ordered to be impleaded as defendants in the suit aforesaid. These orders have been passed in applications Ex.55 to 855, i.e. separate applications have been filed. These applications were allowed by the trial Court under Order 1 Rule X of Civil Procedure Code, 1908. Though this provision has not been specifically mentioned on the application, but if we go by substance of the applications as well as the order, the only provision to which reference can be made is Order 1, Rule X of Civil Procedure Code, 1908. It is a settled law that this Court cannot be converted into a Court having civil jurisdiction. All the orders passed in Civil Suits are to be challenged by taking appropriate remedy available against the same in Civil Procedure Code, 1908. This Special Civil Application, against the aforesaid order which has been passed by the trial Court in Civil Suit is wholly misconceived.

#. In the result, this Special Civil Application fails and the same is dismissed. Notice discharged. No order as to costs.

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(sunil)